

Iowa's Public Charter Schools

Question and Answer Updated 5/14/04

Note: For the purposes of this document, the term “non-resident student” refers to students that are not residents of the district in which the charter school is located. Students who may attend a charter from outside the state of Iowa will be referred as “out of state students.”

1. Who can apply to become a charter school?

A: The principal, teachers, or parents/guardians of students at an existing public school may submit an application to the local school board to become a charter. Iowa's law requires that the charter school be part of a public school. Any organization or group of individuals may assist in the development of a charter through a partnership with a principal, teacher, or parent. 256.3(1)

2. What is involved in the application process?

A: Charter developers (parents/guardians, teachers, or principals) may submit an application for Planning or Implementation (Charter Status). A Planning application is preliminary, and is not subject to some of the requirements for Charter Status. For example, approval from parents and teachers is only required for Charter Status, not for Planning. If an application for planning is approved by a local board, it must be forwarded to the Department of Education for approval and consideration of federal grant money.

Developers may submit an Implementation Application for consideration by the local board and for consideration for federal grant money. If an Implementation Application is approved by a local board, the State Board of Education must grant approval for the plan to achieve Charter Status. Local and State Board approval is also necessary to receive Implementation grant money.

3. Who approves the charter school application?

A: The school board of a public school and the State Board of Education must both approve a charter application. The application is approved by the local board by October 1, the year before the charter school will open. If the local board approves the application, it is forwarded to the State Board of Education for further consideration. The State Board of Education makes the final decision authorizing the charter school. The State Board and the local school board sign an agreement regarding the operations of the charter school. A decision of denial by the local school board may be appealed to the State Board of Education. 256F.3(3)

4. Do the parents and teachers have a voice in determining if a charter will be implemented in a district?

A: Yes. Fifty percent of the voting parents/guardians and fifty percent of the teachers of the students eligible to be served must approve the proposal. Generally, each family will be allowed one vote regardless of the number of children that could potentially attend the charter school. However, if the charter school will have different programs or focuses at various grade levels in the charter, the local school board will determine if a family could be allowed one vote for each child that would attend the charter school if they would be attending at different grade levels or participating in different programs within the charter.

In addition, approval must be received from teachers currently serving those grades. Approval in all cases can be received through a written survey, signature ballot, petition, or public meeting. 256F.3(1)

5. Are all students in the district required to attend the charter?

A. No. Participation in the Charter is a choice option for parents and students.

6. Can the entire school convert to a charter school?

A: Yes. A charter may be an option in a public school or it may include all students at a given level. For example, the charter that serves students in grades K-5 may be housed in a building that offers a traditional K-5 program. In this case students would have the option of attending the charter or the traditional program. In other situations, the charter may be serving the entire population at a given grade level. For example, the charter may serve all students in grades 6-8.

7. What is the role of the local school district board?

A: Prior to acceptance of a charter application, a local board must develop and adopt procedures, criteria, and weighting of criteria to determine approval or denial of an application. The local school board must approve the initial application for the public charter school. The local board may choose to adopt the sample guidelines available at: <http://www.state.ia.us/educate/ecese/asis/chart/index.html>. Additional materials related to authorization of a Charter School can be obtained at www.charterauthorizers.org.

The school board, in consultation with the Charter School advisory council, shall decide matters related to the operation of the school, including budgeting, curriculum, and operating procedures. The Charter agreement or contract must clearly reflect the relationship between the Charter school, the advisory council and the local school board specific to the management, service provision, and operations of the charter school. The charter school may elect to have the district perform necessary functions such as human resources, transportation and financial management, however it is not a requirement. Section 256F.7

8. What type of governance is required in a charter?

A: Each charter must have an advisory council to provide oversight and guidance to charter school implementation, evaluation, and goal attainment. The council, as described in Iowa law, shall decide on matters related to the operation of the school, including budgeting, curriculum, and operating procedures. The council must meet quarterly, at minimum.

The council members can be recommended through the charter school application, however the final appointments must be made by the local school board and must not include more than one member of the local school board. Membership of the advisory council shall, to the greatest extent possible, reflect the demographics of the student population to be served by the public charter. 256F.3(6)

9. How many charter schools are allowed in Iowa?

A: Iowa Charter Law allows for 10 pilot charter schools. The law will be revisited on July 1, 2010, to determine future viability based on performance of the approved charters. 256F.11

10. Is there funding available for Charter School start-up?

A: Yes, the Iowa Department of Education was successful in receiving a grant for Charter Schools. Funding has been divided into two categories, Planning and Charter Status. The maximum amount available for Planning grants is \$50,000 for up to one (1) year, and the maximum annual amount for Charter Status is \$175,000 each year for two (2) years.

11. Can school districts share a charter school?

A: There is nothing in the law prohibiting a shared charter school. Although several districts could be involved with a charter, only one school board would be granted approval. That district would be the only one with a charter school. The other districts/organizations would enter into a sharing agreement with this host. All of the various sharing laws could be applied to charter schools except for whole grade sharing. Districts could share staff, extra curricular activities, etc.

12. What laws and regulations must a charter school follow? Is a charter school exempt from any laws or regulations?

A: Although a charter school may elect to comply with one or more provisions of statute or administrative rule, a charter school is exempt from all statutes and rules applicable to a school, a school board, or a school district, except for the following:

- ◆ Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, national origin,

religion, ancestry, or disability. A charter school shall be subject to any court-ordered desegregation plan in effect for the school district at the time the school's charter application is approved.

- ◆ Operate as a nonsectarian, non-religious public school.
- ◆ Be free of tuition and applicable fees to Iowa resident students between the ages of five and twenty-one years.
- ◆ Be subject to and comply with chapters 216 and 216A relating to civil and human rights.
- ◆ Provide special education services in accordance with chapter 256B.
- ◆ Be subject to the same financial audits, audit procedures, and audit requirements as a school district. The audit shall be consistent with the requirements of sections 11.6, 11.14, 11.19, 256.9, subsection 19, and section 279.29, except to the extent deviations are necessary because of the program at the school. The department, the auditor of state, or the legislative fiscal bureau may conduct financial, program, or compliance audits.
- ◆ Be subject to and comply with chapter 284 relating to the student achievement and teacher quality program. A charter school that complies with chapter 284 shall receive state moneys or be eligible to receive state moneys as provided in chapter 284 as if it did not operate under a charter.
- ◆ Be subject to and comply with chapters 20 and 279 relating to contracts with and discharge of teachers and administrators.
- ◆ Be subject to and comply with the provisions of chapter 285 relating to the transportation of students.
- ◆ Meetings of the advisory council are subject to the provisions of chapters 21 (open records law) and 22 (open meetings law).

In the application to the local school board, the charter school must specify the laws and regulations for which the charter seeks an exemption. The local board, as well as the State Board of Education, will consider these exemption requests.

13. Who sets the admissions policy at a charter school?

A: The charter school shall determine the admission policies. The school may not discriminate in its student admissions however; a charter may limit admission to students who are within a particular range of age or grade level. A charter school shall enroll eligible resident and non-resident students who submit a timely application unless the number of applications exceeds the capacity of a program, class, grade level, or building. This does not apply to out-of-state students. 256F.5(1) & 256F.4(3)

14. How will the charter school be accountable for student achievement?

A: The charter must specify the performance goals and objectives by which the students' achievement shall be judged. This must include the measures to be used to assess progress and the baseline performance of the students. 256F.5(3)

15. Is a charter school required to have licensed teachers?

A: Yes. Teachers employed in a charter must be fully certified as an Iowa teacher. Teachers in a charter must be licensed to teach at the assigned grade level and endorsed for courses requiring a specific designation. 256F.4(2)(r)

16. Are teachers in the charter under a master contract?

A: Yes. Charter school teachers are governed by the same master contract as other teachers in the district. Existing teachers remain on the district master contract, including schedule lane and seniority status. Any type of modification from the existing district contract would be made through the scheduled process of negotiation. 256F.4(2)(r)

**17. Does a charter follow the same calendar as the district in which it resides?
How many days of school are required for a charter school?**

A: A charter is not required to follow the same calendar as the district in which it resides. The charter must meet 180 days or at least the equivalent number of total hours (990). 256F.4(5)

18. Will the district receive state aid for students who are residents of the district in which the charter school is located? For nonresident students?

A: The enrollment status of students transferring to a charter (from within the existing district) will not change. The student will continue to be enrolled in the same district and funding sources generated for the students will not be altered. Nonresident students may transfer to the charter through the application process and any other locally determined processes. Nonresident students will open enroll to a charter, and in accordance to the timeframes required under the open-enrollment policies (e.g. January 1st). All open-enrollment policies apply to nonresident students, with one exception. A Charter School must accept any student that applies, following the lottery process and the enrollment limits of the Charter.

19. Does the charter school receive program funding such as at-risk supplementary weighting funding, class size/early intervention, and Title I for resident and non-resident students?

A: Categorical funding for students enrolled in the charter will not be altered. Resident and nonresidents enrolled in the charter have the same status as any other student enrolled in the district. This does not apply to out-of-state students.

20. Can a nonresident general education student enroll into the charter school? Does state aid and categorical funding follow the student?

A: Yes. According to the Iowa law (256F.4), a charter school may enroll an eligible nonresident student who submits a timely application in accordance with the student admission policy established by the charter school. Nonresidents would be required to

complete the same application procedures as resident students. If the application for enrollment is approved, state aid and categorical funding would follow.

21. Can a charter become a School in Need of Assistance (SINA)?

A: Yes.

22. Can charter school grant money be used to pay teacher salary?

A: No. Grant money cannot be used for salaries or facilities. Teacher salaries are generated from the annual per pupil cost.

Special Education

23. Does the charter school fund the cost of educating a student with an IEP?

A: Yes. Funding is coordinated with the district in which the Charter school is located. In the case of non-resident students, open enrollment funding procedures will be followed and the sending district will be billed for the cost of services related to the IEP.

24. Is the charter school required to follow the rules of special education?

A: Yes. All state and federal rules and regulations must be followed in order to ensure that a "free, appropriate, public education" (FAPE) is provided to students attending the Charter school.

25. What if the charter school suspects a student is in need of special education services but the student has not been identified?

A: The charter school is an attendance center within the district must follow the written identification and eligibility determination procedures defined by the Area Education Agency.

26. Does the AEA in which the Charter school is located have to provide all of the support services documented on the IEP?

A: Yes. All federal and state administrative rules pertaining to the provision of special education support services must be followed.

27. Are special education teachers and paraeducators contracted with the district?

A: Special education teachers and paraeducators hired by the charter school are employees of the district, and will follow the same guidelines and procedures as the other employees working in the charter school. Both certified staff and paraeducators must follow the standards for highly qualified teacher/paraeducator required by the state and No Child Left Behind.

28. Can a Charter School create a LEA-developed delivery system for special education instructional services?

A: Yes. The district for the Charter School would need to approve the plan as part of the Charter contract.

29. Do parents have due process rights at the Charter School?

A: Yes, in accordance with the requirements of IDEA and Iowa Administrative Rules for Special Education, Charter Schools must ensure that all procedures and safeguards are afforded to parents.

30. Who pays for the AEA support services provided to eligible individuals being served at the Charter School?

A: The resident AEA will cover the cost of services unless the student is a non-resident. In the case of a non-resident student when more than one AEA is involved, the funds will be transferred from the AEA of the student's resident to the AEA within the Charter school area. Effected AEAs may make alternate arrangements appropriate to address student's needs.

31. How is enrollment in the Charter School different from open enrollment?

A: While open-enrollment is the vehicle that a child with a disability would use to enroll in a charter school (same vehicle for all non-residents of the district operating the charter school), the district cannot, under charter school law deny the enrollment of any special education student notwithstanding 282.18.

Grant Recipients Guidelines for Expenditures

The following information is designed to provide grant recipients with guidance regarding expenditures. There are four primary principles that should be considered regarding expenditures.

1. Monies should be made available for those things that will directly impact a student such as school equipment (desks/microscopes/bulletin boards/overheads/LCD projectors, etc), textbooks, computers, libraries, professional development of teachers, policy and board governance training types of things.
2. Consideration of expenditures should address the sustainability of the program. Basically the question is, "What happens after the term of the grant ends? "
3. The individuals responsible for expending funds should act with prudence in the circumstances, considering their responsibilities to the organization, its members, employees, and clients, the public at large, and the Federal Government.
4. All expenditures must be Allowable, Reasonable Allocable, and Acceptable. These terms are described below.

Allowable

To be allowable under an award, costs must meet the following general criteria:

- ◆ Be reasonable for the performance of the award and be allocable thereto under these principles.
- ◆ Be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the organization.
- ◆ Be accorded consistent treatment.
- ◆ Be determined in accordance with generally accepted accounting principles (GAAP).
- ◆ Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period.
- ◆ Be adequately documented.

Reasonable

A cost is reasonable if:

- ◆ In its nature or amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

- ◆ The cost is of a type generally recognized as ordinary and necessary for the operation of the organization or the performance of the award.
- ◆ The cost does not deviate significantly from the established practice of the organization

Allocable

A cost is allocable in accordance with the relative benefits received. A cost is allocable to a Federal award if it is treated consistently with other costs incurred for the same purpose in like circumstances and if it:

- ◆ Is incurred specifically for the award.
- ◆ Benefits both the award and other work and can be distributed in reasonable proportion to the benefits received, or
- ◆ Is necessary to the overall operation of the organization, although a direct relationship to any particular cost objective cannot be shown.

Acceptable

The following explanation of funds is based on the understanding that a school may not actually be receiving state funds for costs until they have an actual student count and transmission of per pupil funds begins. After this, initial period, it would be considered an operational cost and not allowable.

- ◆ Renting/leasing or renovating (minor remodeling of) facilities is an allowable expenditure. Minor remodeling means minor alterations in a previously completed building (EDGAR, Part 77). Facilities renting/leasing be limited to three months prior to the doors opening. This discretion bears in mind that a school may not actually be receiving state funds for these costs until they have an actual student count and transmission of per pupil funds begins. After this initial period, it would be considered an ongoing, operational costs
- ◆ No State or subgrantee may use its grant or subgrant for acquisition of real property or for construction unless specifically permitted by the authorizing statute or implementing regulations for the program. Major building construction, structural alterations to buildings, building maintenance, and repairs are NOT acceptable.

